

Senate Study Bill 1197 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HEALTH AND HUMAN SERVICES
BILL BY CHAIRPERSON EDLER)

A BILL FOR

1 An Act relating to prohibited activities regarding gender
2 transition procedures relative to minors, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147.164 Gender transition
2 **procedure-related activities — minors — prohibitions.**

3 1. As used in this section:

4 *a.* “*Gender*” means the psychological, behavioral, social, and
5 cultural aspects of being male or female.

6 *b.* “*Health care professional*” means a person who is
7 licensed, certified, or otherwise authorized or permitted by
8 the law of this state to administer health care in the ordinary
9 course of business or in the practice of a profession.

10 *c.* “*Minor*” means an unemancipated person under eighteen
11 years of age.

12 *d.* “*Sex*” means the biological indication of male and
13 female, including sex chromosomes, naturally occurring sex
14 hormones, gonads, and nonambiguous internal and external
15 genitalia present at birth without regard to an individual’s
16 psychological, chosen, or subjective experience of gender.

17 2. *a.* Except as otherwise provided in paragraph “*c*”, a
18 health care professional shall not knowingly engage in or cause
19 any of the following practices to be performed on a minor nor
20 refer a minor to another health care professional to perform
21 any of the following practices on a minor if the practice is
22 performed for the purpose of attempting to alter the appearance
23 of, or affirm the minor’s perception of, the minor’s gender or
24 sex, if that appearance or perception is inconsistent with the
25 minor’s sex.

26 (1) Prescribing or administering gonadotropin-releasing
27 hormone analogues or other synthetic drugs used to stop
28 luteinizing hormone and follicle-stimulating hormone secretion,
29 synthetic antiandrogen drugs used to block the androgen
30 receptor, or any drug to suppress or delay normal puberty.

31 (2) Prescribing or administering testosterone, estrogen,
32 or progesterone to a minor in an amount greater than would
33 normally be produced endogenously in a healthy individual of
34 that individual’s age and sex.

35 (3) Performing surgeries that sterilize, including

1 castration, vasectomy, hysterectomy, oophorectomy, orchiectomy,
2 and penectomy.

3 (4) Performing surgeries that artificially construct
4 tissue with the appearance of genitalia that differs from the
5 individual's sex, including metoidioplasty, phalloplasty, and
6 vaginoplasty.

7 (5) Removing any healthy or nondiseased body part or tissue.

8 b. A health care professional shall not knowingly engage in
9 conduct that aids or abets the practices described in paragraph
10 "a". This paragraph shall not be construed to impose liability
11 on any speech protected by federal or state law.

12 c. Paragraphs "a" and "b" do not apply to any of the
13 following:

14 (1) Services provided to a minor born with a medically
15 verifiable disorder of sex development, including a minor
16 with external biological sex characteristics that are
17 irresolvably ambiguous, such as a minor born with forty-six
18 XX chromosomes with virilization, forty-six XY chromosomes
19 with undervirilization, or having both ovarian and testicular
20 tissue.

21 (2) Services provided to a minor who has otherwise
22 been diagnosed with a disorder of sexual development by a
23 physician, when the physician has determined through genetic
24 or biochemical testing that the minor does not have a normal
25 sex chromosome structure, sex steroid hormone production, or
26 sex steroid hormone action for a biological male or biological
27 female.

28 (3) The treatment of any infection, injury, disease, or
29 disorder that has been caused or exacerbated by the performance
30 of gender transition procedures, whether or not the procedures
31 were performed in accordance with state and federal law.

32 (4) Any procedure undertaken because a minor suffers from a
33 physical disorder, physical injury, or physical illness that
34 is certified by a physician and that would place the minor
35 in imminent danger of death or impairment of a major bodily

1 function unless surgery is performed.

2 *d.* A violation of the prohibitions under paragraph "*a*" or
3 "*b*" by a health care professional is considered unprofessional
4 conduct and subject to licensee discipline by the appropriate
5 licensing board or entity.

6 3. *a.* A person may assert an actual or threatened violation
7 of this section as a claim or defense in a judicial or
8 administrative proceeding and may obtain compensatory damages,
9 injunctive relief, declaratory relief, or any other appropriate
10 relief.

11 *b.* An action brought for a violation of this section shall
12 be brought within two years after the cause of action accrues.
13 However, a minor may bring an action during the minor's
14 minority through a parent or legal guardian, and may bring an
15 action in the minor's own name upon reaching majority and for
16 twenty years after reaching majority.

17 *c.* Notwithstanding any other law to the contrary, an
18 action under this section may be commenced, and relief may be
19 granted, in a judicial proceeding without regard to whether the
20 person commencing the action has sought or exhausted available
21 administrative remedies. In an action or proceeding to
22 enforce this section, a prevailing party may recover reasonable
23 attorney fees.

24 *d.* The attorney general may bring an action to enforce this
25 section.

26 *e.* Nothing in this section shall be construed to deny,
27 impair, or otherwise affect any right or authority of the
28 attorney general, the state, or any agency, officer, or
29 employee of the state to institute or intervene in any
30 proceeding.

31 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate
32 importance, takes effect upon enactment.

33 Sec. 3. APPLICABILITY. The following applies one hundred
34 eighty days after the effective date of this Act:

35 The provisions of the section of this Act enacting section

1 147.164, subsection 2, that prohibit a health care professional
2 from knowingly engaging in or causing certain practices to
3 be performed on a minor if the practice is performed for the
4 purpose of attempting to alter the appearance of, or affirm
5 the minor's perception of, the minor's gender or sex, if that
6 appearance or perception is inconsistent with the minor's sex.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to prohibitions regarding gender
11 transition procedure-related activities relating to minors.

12 The bill provides definitions used in the bill including
13 "gender", "health care professional", "minor", and "sex".

14 The bill prohibits, with some exceptions, a health care
15 professional from knowingly engaging in or causing specified
16 practices to be performed on a minor or referring a minor
17 to another health care professional to perform the specified
18 practices if the practice is performed for the purpose of
19 attempting to alter the appearance of, or affirm the minor's
20 perception of, the minor's gender or sex, if that appearance
21 or perception is inconsistent with the minor's sex. These
22 prohibited practices include prescribing or administering
23 gonadotropin-releasing hormone analogues or other synthetic
24 drugs used to stop luteinizing hormone and follicle-stimulating
25 hormone secretion, synthetic antiandrogen drugs used to block
26 the androgen receptor, or any drug to suppress or delay normal
27 puberty; prescribing or administering testosterone, estrogen,
28 or progesterone to a minor in an amount greater than would
29 normally be produced endogenously in a healthy individual
30 of that individual's age and sex; performing surgeries that
31 sterilize, including castration, vasectomy, hysterectomy,
32 oophorectomy, orchiectomy, and penectomy; performing surgeries
33 that artificially construct tissue with the appearance of
34 genitalia that differs from the individual's sex, including
35 metoidioplasty, phalloplasty, and vaginoplasty; and removing

1 any healthy or nondiseased body part or tissue.

2 The bill also prohibits a health care professional from
3 knowingly engaging in conduct that aids or abets the specified
4 prohibited practices. However, this prohibition is not to
5 be construed to impose liability on any speech protected by
6 federal or state law.

7 The bill specifies services to which the prohibitions
8 of the bill do not apply including: services provided to
9 a minor born with a medically verifiable disorder of sex
10 development, including a minor with external biological sex
11 characteristics that are irresolvably ambiguous, such as a
12 minor born with 46 XX chromosomes with virilization, 46 XY
13 chromosomes with undervirilization, or having both ovarian
14 and testicular tissue; services provided to a minor who has
15 otherwise been diagnosed with a disorder of sexual development
16 by a physician, when the physician has determined through
17 genetic or biochemical testing that the minor does not have
18 a normal sex chromosome structure, sex steroid hormone
19 production, or sex steroid hormone action for a biological male
20 or biological female; the treatment of any infection, injury,
21 disease, or disorder that has been caused or exacerbated by
22 the performance of gender transition procedures, whether or
23 not the procedures were performed in accordance with state and
24 federal law; any procedure undertaken because a minor suffers
25 from a physical disorder, physical injury, or physical illness
26 that is certified by a physician and that would place the minor
27 in imminent danger of death or impairment of a major bodily
28 function unless surgery is performed.

29 A violation of the prohibitions under the bill by a health
30 care professional is considered unprofessional conduct and
31 subject to licensee discipline by the appropriate licensing
32 board or entity.

33 The bill provides that a person may assert an actual
34 or threatened violation of the bill as a claim or defense
35 in a judicial or administrative proceeding and may obtain

1 compensatory damages, injunctive relief, declaratory relief, or
2 any other appropriate relief. An action for a violation of the
3 bill must be brought within two years after the cause of action
4 accrues. However, a minor may bring an action during the
5 minor's minority through a parent or legal guardian, and may
6 bring an action in the minor's own name upon reaching majority
7 and for 20 years after reaching majority.

8 An action may be commenced, and relief may be granted, in
9 a judicial proceeding without regard to whether the person
10 has sought or exhausted available administrative remedies. A
11 prevailing party may recover reasonable attorney fees in an
12 action brought under the bill.

13 The attorney general may bring an action to enforce the bill.
14 The bill is not to be construed to deny, impair, or otherwise
15 affect any right or authority of the attorney general, the
16 state, or any agency, officer, or employee of the state to
17 institute or intervene in any proceeding.

18 The bill takes effect upon enactment.

19 The provisions of the bill prohibiting certain practices
20 by a health care professional performed on a minor if the
21 practice is performed for the purpose of attempting to alter
22 the appearance of, or affirm the minor's perception of, the
23 minor's gender or sex, if that appearance or perception is
24 inconsistent with the minor's sex, are applicable 180 days
25 after the effective date of the bill.